

Serial No. 09/662,737
Docket No. L9090/269360

REMARKS

The Examiner objected to claim 33 because it depends from a cancelled claim. The foregoing amendment corrects the dependency of claim 33.

The Examiner also required restriction to one of the following inventions:

Group I, including claims 47 and 2 through 32, drawn to a method for aggregating information,

Group II, including claims 48 and 35 through 37, drawn to a method for aggregating auction information, and

Group III, including claims 49 and 39 through 44, drawn to a method for searching for products or services offered for purchase by auction sites.

The Examiner alleged that the inventions in Groups I, II, and III are related as a combination and subcombinations. It is respectfully submitted that the claims in Group I and Group II are not related as a combination and subcombinations because the claims do not satisfy the requirement of two-way distinctiveness. In particular, the claims in Group I and Group II are not distinct because the claims in Group II would not be patentable over the claims in Group I.

The Examiner alleged that the claims in Group I would require a search of class 705, subclass 26, the claims in Group II would require a search of class 705, subclass 37 and the claims in Group II would require a search of class 705, subclass 37. Thus, it is submitted that the search and examination of the claims in Groups I, II and III can be accomplished without serious burden.

The Examiner also required election among a number of species. In particular, various claims were identified as corresponding to different species. However, "[c]laims are definitions of inventions. Claims are never species." MPEP 806.04(e). Thus, it is submitted that this requirement is unclear.

The Examiner alleged that claims 47, 48, and 49 are generic. This allegation is inconsistent with the restriction requirement where claims 47, 48, and 49 were identified as members of separate groups.

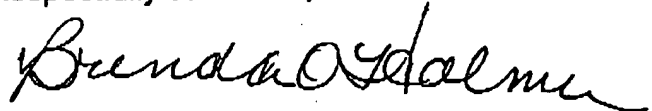
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In light of the foregoing, it is requested that the restriction requirement be withdrawn. The claims in Group I are provisionally elected. No election of species has been made since the identification of species is unclear.

Conclusion

If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact the undersigned at 404.685.6799.

Respectfully submitted,



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